

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID JEFFREY CENEDELLA,

Plaintiff,

v.

BRISTOL MYERS SQUIBB CO, a  
Delaware corporation doing business in  
Washington,

Defendant.

CASE NO. 2:23-cv-274

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Jamal N. Whitehead, United States District Judge: On February 27, 2023, David Jeffrey Cenedella filed this lawsuit against Bristol Myers Squibb Co. Dkt. No. 1. On November 9, 2023, the Court ordered Cenedella to show cause within 14 days why this matter should not be dismissed without prejudice under Fed. R. Civ. P. 4(m) for failure to effect timely service. Dkt. No. 8. Plaintiff did not respond to the Court's Order. *See* docket generally. The Court dismissed Plaintiff's case without prejudice. Plaintiff now asks the Court for another 60 days for service in this matter. Dkt. No. 10. Plaintiff based his request for additional time for service on the fact that there is a group of plaintiffs across the country who are also involved in litigation with the

1 Defendant and that an acceptance of service has been sent to Defendant's counsel.  
2 *Id.*

3 Plaintiff filed the Rule 4(m) motion for an extension of time after the Court  
4 had already dismissed this case. Dkt. No. 9. The Rule 4(m) motion is therefore  
5 properly read as a motion for relief under Rule 59(e) or Rule 60(b) from the Court's  
6 November 27, 2023, Order. Dkt. No. 10. Motions for extension of time in which to  
7 effect service of process are governed by Fed. R. Civ. P. 4(m), which provides that "if  
8 the plaintiff shows good cause for the failure [to serve within 90 days], the court  
9 must extend the time for service for an appropriate period." Here, Plaintiff failed to  
10 respond to the Court's show cause order; thus, no showing of good cause was made.

11 Plaintiff fails to identify any change of controlling law, availability of new  
12 evidence, or clear error in the November 27, 2023, Order, or need to prevent  
13 manifest injustice that is required to grant his motion for relief from the November  
14 27 Order.

15 The Court DENIES Plaintiff's motion. Dkt. No. 10.

16  
17 Dated this 4th day of March 2024.

18 Ravi Subramanian

19 Clerk

20 /s/Kathleen Albert

21 Deputy Clerk  
22  
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